IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26536 of 2007(H)

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PETITIONERS:

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1. N.MOOSA,
   S/O.MAMMAD, SHAREEFA MANZIL, KAPPARA,
   KOTTAYAM AMSOM, KINAVAKKAL DESOM.

2. SHAREEFA,
   SHAREEFA MANZIL, KAPPARA, KOTTAYAM AMSOM,
   KINAVAKKAL DESOM.

3. NASEEMA,
   SHAREEFA MANZIL, KAPPARA, KOTTAYAM AMSOM,
   KINAVAKKAL DESOM.

4. FOUSIYA,
   SHAREEFA MANZIL, KAPPARA, KOTTAYAM AMSOM,
   KINAVAKKAL DESOM.

5. FARZANA,
   SHAREEFA MANZIL, KAPPARA, KOTTAYAM AMSOM,
   KINAVAKKAL DESOM.

6. FIMIZA, SHAREEFA MANZIL, KAPPARA KOTTAYAM AMSOM,
   KINAVAKKAL DESOM

BY ADV. SRI.P.M.HABEEB

RESPONDENTS:

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1. SECRETARY,
   KOOTHUPARAMBA CO-OPERATIVE URBAN BANK LTD.,
   KOOTHUPARAMBA.

2. JOINT REGISTRAR,
   URBAN CO-OPERATIVE BANK, KANNUR,
   REP.BY THE CHAIRMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.N.KRISHNAN, J.**

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**W.P.(C).NO.26536 OF 2007-H**

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**Dated this the 6th day of September, 2007.**

**JUDGMENT**

This writ petition is preferred to direct the respondents to consider Exts.P1 and P3 applications for one time settlement. The decree holder has obtained a decree in Co-operative A.R.C.No.4120/02-03 and an execution petition is filed for sale of the property having an extent of 9 cents which belong to the writ petitioners. It is submitted that it is an ex-parte decree and the case is posted for production of draft sale papers on 26.9.2007. The writ petitioners have come to this Court very belatedly and so, this Court cannot as such give a direction to give one time settlement, but at the same time, if the Rules permit, certainly it is desirable that the decree holder gives an opportunity for one time settlement, so that the dwelling house of the writ petitioners can be saved from the same. In order to draw the attention of the decree holder, Exts.P1 and P3 have been filed in 2006 and it is still pending consideration.

Therefore, I direct the respondents to consider Exts.P1 and P3 as per Rules and pass appropriate orders. The court below can proceed with the sale proceedings, but the court need order the sale only after disposal of Exts.P1 and P3.

**M.N. KRISHNAN, JUDGE.**

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